Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2005-2006

November 30, 2006

Table of Contents

Accountability Statement 3

Message From CEO 4

I. Introduction 5

II. Progress and Accomplishments 5

Resolution of Complaints of Discrimination 6

Promoting Human Rights Through Education, Training and Affirmative Action Programs 7

III. Financial Results 9

IV. Performance Measures 9

Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery 9

To promote efficient, effective and timely resolutions to complaints of discrimination . 14

To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms 15

Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission (NSHRC) for the year ended March 31, 2006 is prepared pursuant to the Provincial Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the NSHRC's business plan information for the fiscal year 2005-2006. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the NSHRC.

This accountability report is the responsibility of NSHRC management and is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the NSHRC's business plan for the year.

Hon. Murray K. Scott, M.B.
Minister Responsible for the Human Rights Act

Michael Noonan
Acting Director and CEO

Message From the CEO

This document highlights efforts to promote transparency and enhance the effectiveness of the Nova Scotia Human Rights Commission (NSHRC). Key to the success of these efforts:

- Promoting systemic change through all aspects of the NSHRC's work..
- Expediting the processing of cases.
- Positioning the Commission as an expert on issues of inclusion and diversity for both the public and the government.

The Nova Scotia Human Rights Commission is an independent government agency charged with administering the *Human Rights Act*, a provincial statute created in 1969.

During the 2005-2006 fiscal year, the NSHRC sought to build on the efficiencies gained from the recommendations of its organizational review and position itself as an expert in its field. The NSHRC operates in a rapidly changing environment which requires resources to be dedicated to the ongoing development of staff. Constant review of practices and the allocation of resources is essential to meet the needs of the public we serve. This means:

- reviewing the efficiency of the complaint process and efforts to resolve allegations of discrimination;
- being open to new methods of dispute resolution which are culturally sensitive to a diverse client base; and,
- enhancing the public education and outreach functions of the NSHRC.

The NSHRC will continue to focus on its efficiency and effectiveness as an organization and helping Nova Scotians to build a province which encourages participation and achievement for all its citizens.

I. Introduction

This document is based on the goals and priorities identified in the NSHRC's 2005-2006 business plan. The business plan is available on the NSHRC's website at http://gov.ns.ca/humanrights/accountability.htm.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core businesses of *Resolving Complaints of Discrimination* and *Promoting Human Rights Through Education, Training and Affirmative Action Programs*. The NSHRC faced a number of challenges in meeting its budget targets during 2005-2006. The included costs associated with Boards of Inquiry, legal expenses associated with board hearings and the settlement of a grievance related to staff compensation. The 2005-2006 fiscal year was the first time in six years that budget targets were exceeded.

During 2005-2006, the NSHRC continued to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs, abilities and dreams of Nova Scotians. Major events were held in December 2005 to mark International Human Rights Day. Events took place simultaneously in Halifax and Sydney. The 10th annual Harmony Brunch was held in Halifax to celebrate the International Day for the Elimination of Racial Discrimination on March 21, 2006. A variety of partnerships with community groups, other government departments and agencies and academic institutions contributed to the success of the NSHRC's sixth annual public forum on May 9, 2006; "Race and Identity: The Challenge of Change" examined the pressures faced by different racial groups in maintaining and defining their identities in an increasingly complex world. The fifth "Day of Reflection" with Her Honour Myra Freeman, Lieutenant Governor of Nova Scotia, the Honourable John Hamm, Premier of Nova Scotia, and assembled faith leaders took place in November 2005 at Province House in Halifax.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2005-2006 business plan.

II. Progress and Accomplishments

In its 2005-2006 business plan, the Commission established the following strategic goals:

1. Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

2. To promote efficient and effective resolutions to complaints of discrimination.

3. To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.

What follows is a brief report on major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals.

Resolution of Complaints of Discrimination

- In cooperation with Mi'kmaq and other aboriginal communities, develop an aboriginal action plan to improve the services the NSHRC offers to these communities, particularly through the development of effective models of dispute resolution.
  - Dr. Fred Wien of the Maritime School of Social Work was hired in January 2006 to lead the development of an aboriginal framework for the investigation and resolution of complaints from Mi'kmaq and other aboriginal people. Dr. Wien will undertake an extensive review of best practices in the field along with a thorough dialogue with the 13 First Nations communities in Nova Scotia to seek their input on the design of a model for the NSHRC to implement. Dr. Wien's draft report is expected to be completed by Fall 2006.

- Evaluate the effectiveness of the NSHRC's settlement initiative practices and its mediation roster.
  - A summary of client feedback was completed as of March 31, 2006 which outlined satisfaction rates with the mediation process by both complainants and respondents. Overall satisfaction rates stood at 75%. Roundtable sessions with members of the NSHRC's mediation roster continued to enable problem solving and the sharing of best practices.

- The development of tools to increase the ability to capably resolve complaints of systemic discrimination.
  - Education and training of investigation staff on systemic discrimination continued in concert with the introduction of a checklist to assist in the identification of system issues in complaints and inquiries.

- Ensure that priorities and strategic goals are reflected in performance management targets for staff and management.
  - The Acting Manager of Investigation and Compliance devoted a great deal of effort to the revision and update of job descriptions within the Investigation

Division as a starting point for revising performance targets. Work on incorporating priorities and strategic goals in performance targets will continue into the 2006-2007 fiscal year.

- Develop a strategic plan for the Investigation and Compliance Division to ensure ongoing change management and quality control.
  - A draft strategic plan was developed and submitted to the Director and CEO in February 2006. This plan will be incorporated into the goals and priorities for the 2006-2007 business plan.

- Continue the roll-out and evaluation of the computerized case management system to improve the tracking and quality control of the complaint process.
  - A user working group was established to review concerns related to the functioning of the Human Rights Case Tracking System (HRCTS). The working group is chaired by the Project Manager and sets priorities for updates and improvements to the system. It also assists in testing changes made by the NSHRC's corporate IT support network.

Promoting Human Rights Through Education, Training and Affirmative Action Programs

- Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change; this includes oral presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the NSHRC's annual report.
  - This requirement was completed during 2005.

- Complete the recruitment process for additional staffing resources for the Race Relations and Affirmative Action Division to augment the NSHRC's education, training and affirmative action programs.
  - A job description for a program officer to assist with training and affirmative action programs was completed. A term employee was hired in the role with the expectation that a second position would be added in the 2006-2007 fiscal year. The recruitment of the term employee took longer than expected, impacting on other goals for this core business.
  - A full-time administrative assistant for the Race Relations and Affirmative Action Division was recruited and hired.

- Develop a strategic plan for the Race Relations and Affirmative Action Division to leverage an increase in staff resources and ensure major responsibilities continue to be met.
  - Work began on a strategic plan for the Race Relations and Affirmative Action Division with input from the Project Manager and the CEO's Office. The finalized plan is expected to be in place during the 2006-2007 fiscal year.

- Continue to host an annual public forum on a protected characteristic in the *Act*, with a focus in 2005 on race.
  - "Race and Identity: The Challenge of Change" was held on May 9, 2006 at the World Trace and Convention Centre in Halifax. More than 200 delegates attended the public forum which focused on the challenges faced by different racial groups in holding on to their identities in a complex and rapidly changing world. A panel of youth looked at identity in relation to the expectations placed on them by their community and peers; a panel of experts discussed strategies for countering the effects of racism and discrimination on identity. Dr. Cecil Foster from the University of Guelph delivered the keynote address based on his book *Where Race Does Not Matter*, a discussion of race in the context of a multicultural society.

- Invite faith leaders to join together at Province House for the Commission's fifth "Day of Reflection".
  - The NSHRC's fifth "Day of Reflection" was held at Province House on November 3, 2005. Almost 60 faith leaders joined the Lieutenant Governor and the Premier in focusing on the theme of "Service, Responsibility and Community". This is an annual event which has come to play an important role in engaging faith communities in the dialogue about human rights in Nova Scotia.

III. Financial Results

N.S. Human Rights Commission		
	2005-2006 Estimate ($ thousands)	2005-2006 Actual ($ thousands)
Net Program Expenses	$1,843	$2,033
Salaries and Employee Benefits	$1,380	$1,179
Funded Staff (FTEs)	23.0	21.7

IV. Performance Measures

The measures in this report are from the Commission's 2005-2006 business plan. They represent outcomes identified to measure success in achieving the strategic goals set out in the business plan.

Strategic Goal: Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

Outcome: **Increase public awareness of and commitment to human rights.**

Measure: ***Number of representative partners with whom the NSHRC co-sponsors special events, projects, etc.***

What This Measure Tells the NSHRC?

In order to fulfill its mandate for public education, training and consultation, the NSHRC must encourage the participation of businesses, communities and individuals to broaden the reach of these activities. Successful partnerships build commitment among employers and communities for practicing inclusion and respect for difference. This helps Nova Scoria become a more open and welcoming society which respects the principles of equity outlined in the Act.

Where Is the NSHRC Now?

Membership of the Partners Against Racism (PAR) committee has remained steady during the 2005-2006 fiscal year. The committee is developing a strategy for renewal to ensure that new ideas and projects can be undertaken in coming years. It is an arms length committee of the NSHRC which oversees two annual special events for International Human Rights Day and the International Day for the Elimination of Racial Discrimination.

Where Does the NSHRC Want to Be in the Future?

Building on the success of the PAR committee, the NSHRC wants to ensure that its structure and governance continue to enable the sponsorship of special events. This will require ongoing feedback from committee members. Opportunities for consultation with the PAR committee on issues of concern to the community will also be pursued wherever appropriate. In 2006-2007, the NSHRC will be bringing the exhibition Anne Frank in the World to Nova Scotia with the assistance of several provincial government departments and agencies and a number of private sector sponsors. This will be one of the largest undertakings in the NSHRC's history and represents a new level of collaboration with partners.

Strategic Goal: Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

Outcome: Increase public awareness of and commitment to human rights.

Measure: ***Number of participants at events.***

What Does This Measure Tell the NSHRC?

Healthy attendance at NSHRC events is an indicator of the level of respect which is being accorded to the organization on issues related to human rights in Nova Scotia. It also reflects the quality of learning opportunities provided by the NSHRC.

Where Is the NSHRC Now?

The NSHRC continues to look for new opportunities to initiate public dialogue about human rights issues. A successful public forum, "Race and Identity: The Challenge of Change" was presented during 2005-2006, with well over 200 delegates attending. Attendance for events marking International Human Rights Day and the International Day for the Elimination of Racial

Discrimination increased, thanks in part to increased coordination with Communications Nova Scotia. This meant the communications plans were completed for most major events and ensured that the events received better media coverage. Total attendance at special events was approximately 1200, just below the targeted goal of 1500.

Where Does the NSHRC Want to Be in the Future?

During 2006-2007, the NSHRC will host *Anne Frank in the World*, a traveling exhibition from the Anne Frank Center in New York City. The exhibit will appear in Sydney and Halifax and represents the culmination of a successful partnership with a number of government and private sponsors. The exhibit is expected to reach a significant audience around the province which will enormously impact the NSHRC's visibility to the public.

Strategic Goal: Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

Outcome: **An efficient complaint handling process.**

Measure: ***Average time to process complaints from receipt to decision.***

What Does This Measure Tell the NSHRC?

Parties to a complaint should be able to expect matters to be dealt with in the most efficient way possible by the NSHRC, with respect for the principles of administrative fairness and natural justice being preserved. Most human rights jurisdictions in Canada struggle with the management of the timeliness of their complaint processes. Timeliness is challenged by the increasing complexity of human rights issues and the ongoing pressures on limited human resources.

Where Is the NSHRC Now?

With the exception of 15 files, all complaints at the NSHRC were less than 24 months old by the end of the 2005-2006 fiscal year. This is the first time in over a decade that this has been the case and represents the hard work and dedication of the investigation staff in this regard. The goal of a 12 month process for resolving complaints will still require further review and adjustments to the NSHRC's processes; however, a more coordinated intake process and increased use of mediation are expected to positively impact these efforts in the next fiscal year.

Where Does the NSHRC Want to Be in the Future?

The NSHRC's efforts to improve the timeliness of complaint processing will continue to free resources to focus on consultation and outreach. This will assist employers, organizations and the provincial government to design remedies for human rights concerns within the workplace without the need to resort to formal complaints and boards of inquiry.

Strategic Goal: Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

Outcome: An efficient complaint handling process.

Measure: ***Average time to assess appropriate method to process a complaint.***

What Does This Measure Tell the NSHRC?

A crucial factor in an efficient complaint handling process is being able to determine the appropriate way to deal with an individual complaint as soon as possible following first contact with the NSHRC. In this way, opportunities for settling the matter without resort to a formal complaint and investigation can be explored before positions become hardened.

Where is the NSHRC Now?

Tremendous strides have been made to improve the front end of the complaint process - the intake stage. All phone inquiries to the NSHRC are answered within 24 hours and appropriate correspondence and action is taken shortly after that. Jurisdictional concerns are generally resolved quickly up front without the need for substantial delay. This demonstrates a high degree of professionalism by intake staff. During 2005-2006, almost two-thirds of inquiries were assessed within a three week period, an improvement from past practice, but still short of the target of two weeks. It may be necessary to deploy additional resources at the intake stage to meet the two week target.

Where Does the NSHRC Want to Be in the Future?

The NSHRC remains confident that assessment time for inquiries can be reduced further in the coming fiscal year.

Strategic Goal: Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

Outcome: Service delivery that is timely, accessible and courteous.

Measure: ***Success rate meeting time standards for processing complaints.***

What Does This Measure Tell the NSHRC?

This measure provides an overall snapshot of the efficiency of the complaint process. It can assist the NSHRC in identifying bottlenecks and designing appropriate solutions to address those concerns.

Where is the NSHRC Now?

The NSHRC has targeted a 75% success rate in reaching its time standards by the 2006-2007 fiscal year. Increased use of the HRCTS is enabling senior managers and staff to improve the oversight of complaint processing at the NSHRC and to direct assistance where it will have the greatest impact on service to the public. Work to incorporate service standards into performance management continues and intake and mediation services continue to promote resolution earlier in the process.

Where Does the NSHRC Want to Be in the Future?

Clear standards for the processing of complaints are integral to being a leader in the field of human rights. This will boost public confidence in the ability of the NSHRC to resolve complaints and promote healthier communities and workplaces which practice respect for difference.

Strategic Goal: Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

Outcome: Service delivery that is timely, accessible and courteous.

Measure: ***Satisfaction rate of parties who receive service at NSHRC.***

What Does This Measure Tell the NSHRC?

In order to instill trust in its ability to resolve complaints of discrimination, the NSHRC must be seen to be fair and judicious in its business practices by all parties. Satisfaction rates are a prime indicator of an organization's success in responding to the needs of its clients.

Where is the NSHRC Now?

Evaluation is now part of the normal business practice for services delivered by the Race Relations and Affirmative Action Division. As part of its mediation program, the NSHRC ensures that client satisfaction is surveyed regularly and aggregate results are produced annually. More work will be necessary to address the need for client evaluation as part of the investigation process in order to meet the target set for the 2006-2007 fiscal year.

Where Does the NSHRC Want to Be in the Future?

The NSHRC seeks to foster a culture of continuous improvement within the organization. A firm commitment to assessing the satisfaction of clients will be critical to meeting that objective.

Strategic Goal: ***To promote efficient, effective and timely resolutions to complaints of discrimination.***

Outcome: Effective settlement initiatives which resolve individual allegations and reflect the public interest.

Measure: ***Success rate of cases which proceed to mediation.***

What Does This Measure Tell the NSHRC?

Resolving complaints is one of the primary mandates of the Act and is a key determinant of success for the NSHRC. If mediation is able to produce a settlement agreement which satisfies

the concerns of both parties to a settlement initiative, it helps the NSHRC to promote understanding and healing in the aftermath of a complaint. This will help to promote long lasting and sustainable resolutions to complaints of discrimination.

Were is the NSHRC Now?

The success rate of mediations during 2005-2006 reached approximately 72%, an improvement over past practice. The Project Manager has undertaken extensive preparatory work with parties to ensure that expectations about the outcomes of the process are managed and that there is less opportunity for a mediation to fail.

Where Does the NSHRC Want to Be in the Future?

The NSHRC wants to be a leader in the field of human rights and to be respected as an authority in resolving complaints of discrimination. A high rate of success with mediated resolutions will assist in achieving that outcome.

Strategic Goal: ***To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.***

Outcome: **NSHRC seen as an expert in the fields of equity and managing inclusion.**

Measure: ***Increase the number of public information sessions.***

What Does This Measure Tell the NSHRC?

Requests for training and information sessions by the Race Relations and Affirmative Action Division nearly doubled between 2003 and 2005, placing a strain on staff. Increasing the number of sessions the Division is able to offer will represent improved strategic planning and increase confidence in the services offered by the NSHRC.

Where is the NSHRC Now?

The number of requests for training and education continued to increase during 2005-2006, without active marketing by staff. Two sessions per month for both training and education were conducted meaning 24 training and 24 information sessions were completed during the fiscal year. More in-depth training, such as the five day Train-the-Trainer program have become more popular with clients. These intensive sessions require additional preparation. It has become clear

that additional resources will be required to keep up with the numbers of requests coming to the NSHRC for this kind of support.

Where Does the NSHRC Want to Be in the Future?

The NSHRC seeks to be able to accommodate as many requests for training and education as possible. It is desirable to expand the staffing complement of the Race Relations and Affirmative Action Division in order to meet the demand of these services. To mitigate impact on the NSHRC's budget, the Division's cost recovery structure may have to be reviewed.

Strategic Goal: ***To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.***

Outcome: **NSHRC is seen as an expert in the fields of equity and managing inclusion.**

Measure: ***The number of positive evaluations from participants.***

What Does This Measure Tell the NSHRC?

Participants in training and education sessions will be influenced to improve respect for human rights within their organizations. They are also the best way to promote the value of the services which the NSHRC offers in this area. A high level of satisfaction from participants will demonstrate the quality of the training which the NSHRC provides and contribute to a positive impression of the organization.

Where is the NSHRC Now?

The target for 2005-2006 of 80% of participant evaluations being positive was exceeded. The actual percentage of positive evaluations was 90% and represents the professionalism of staff of the Race Relations and Affirmative Action Division and the expertise they bring to their work.

Where Does the NSHRC Want to Be in the Future?

Because the human rights field is constantly evolving, the issues which must be addressed through training and education will also be changing. The key for the NSHRC will be to continue to deliver a quality education experience to participants which addresses the needs of their organizations.

Strategic Goal: ***To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.***

Outcome: **Public and private sector commitment to the values of affirmative action.**

Measure: ***An increase in the number of new affirmative action agreements.***

What Does This Measure Tell the NSHRC?

Nova Scotia has identified the need to attract and retain new immigrants as a key component of building a skilled workforce. The NSHRC has worked for a number of years to help employers to better manage diverse workforces through the principles of affirmative action which seeks to address systemic barriers to the full participation of disadvantaged groups in the workplace. By increasing the number of formal agreements with employers the NSHRC is able to improve the inclusivity of Nova Scotia's labour force.

Where is the NSHRC Now?

Because of delays in staffing within the Race Relations and Affirmative Action Division, the target of signing two new affirmative action agreements was not met. However, the groundwork for a new agreement has been laid with the Town of New Glasgow and work on an agreement with Dave's Commercial Cleaning is ongoing.

Where Does the NSHRC Want to Be in the Future?

The NSHRC would like to focus attention on the need for better evaluation of affirmative action within the provincial public service. With that in mind, work will be continuing to negotiate a new framework for affirmative action with the Province of Nova Scotia.

Strategic Goal: ***To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.***

Outcome: **Public and private sector commitment to the values of affirmative action.**

Measure: ***Increase the number of "Champions for the Workplace" breakfasts.***

What Does This Measure Tell the NSHRC?

Almost 80% of complaints filed with the NSHRC relate to a situation which has occurred in the workplace. With the provincial government's focus on attracting and retaining new immigrants in order to renew Nova Scotia's labour force, issues of inclusion and human rights will continue to play a critical role in the future well being of our province. The "Champions for the Workplace" program was created in January 2004 to provide a forum for employers to share their experiences with managing diverse workplaces and to recognize achievements which promote healthy and respectful work environments. Regular "Champions for the Workplace" breakfasts reinforce a positive relationship between the NSHRC and employers.

Where is the NSHRC Now?

The NSHRC is making progress in its efforts to hold four "Champions for the Workplace" breakfasts each fiscal year. Two events were held during 2005-2006 recognizing Convergys Customer Management and Communications Nova Scotia. A new pamphlet to promote the program was designed in cooperation with Communications Nova Scotia.

Where Does the NSHRC Want to Be in the Future?

The NSHRC seeks to promote internal responsibility for human rights within Nova Scotia's workplaces. By recognizing the efforts of provincial employers in this regard, the NSHRC can be seen as a potential resource for business.

Strategic Goal: ***To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.***

Outcome: **Public and private sector commitment to the values of affirmative action.**

Measure: ***Success rate renewing affirmative action agreements within the 5 year standard.***

What Does This Measure Tell the NSHRC?

For commitment to the goals of affirmative action to be enhanced, the NSHRC must be able to provide competent and reliable feedback to businesses and organizations through the monitoring of agreements. This will enable parties to these agreements to build on their successes and act quickly to change or eliminate elements of their affirmative action plans which are not contributing to overall improvements in the workplace.

Where is the NSHRC Now?

Due to delays in staffing and unexpected problems with the HRCTS module for Race Relations and Affirmative Action, the target of a 30% renewal rate was not realized in 2005-2006. Work was completed on a redesigned affirmative action template and guide for employers which will help parties to agreements improve their planning and measurement of results. The HRCTS module is expected to be completed in Fall 2006 and the staffing of an additional person to assist with monitoring of affirmative action agreements is expected to take place at the same time.

Where Does the NSHRC Want to Be in the Future?

The NSHRC will continue to promote the value of affirmative action to the future growth and success of provincial employers. This will help to reinforce the goals of the provincial government with respect to its immigration strategy.